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Proposed Counsel for
Donald T. Fife, Examiner

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

In re
THE ORIGINAL MOWBRAY’S TREE
SERVICE, INC.,

Debtor.

Case No. 8:24-bk-12674 TA

Chapter 11 Proceeding

**NOTICE OF SUBMISSION OF APPLICATION
TO EMPLOY RINGSTAD & SANDERS LLP
AS COUNSEL FOR EXAMINER, DONALD
T. FIFE**

(No Hearing Required)
[Local Bankruptcy Rule 2014-1(b)(1)]

**TO THE HONORABLE THEODOR C. ALBERT, UNITED STATES
BANKRUPTCY JUDGE, THE OFFICE OF THE UNITED STATES TRUSTEE, AND
OTHER INTERESTED PARTIES:**

Donald T. Fife, the appointed examiner (the “Examiner”) in the above-captioned Chapter 11 bankruptcy proceeding of The Original Mowbray’s Tree Service Inc. (the “Debtor”), has submitted his Application (the “Application”) to Employ Ringstad & Sanders LLP (the “Firm”) as his counsel as of March 18, 2025.

PLEASE TAKE NOTICE that any response, opposition or request for hearing on the Application must be filed (with a duplicate copy) with the above-captioned Court located at 411 West Fourth Street, Suite 2030, Santa Ana, California 92701, and served on proposed counsel for the Examiner at the address indicated in the upper-left hand corner of the first page of this document, as well as on all other parties entitled to service thereof, within fourteen (14) days of the date of service of the notice on the Application. Failure to timely file and serve an opposition, response or request for hearing may be deemed by the

1 Court to be consent to the relief sought in the Application.

2 PLEASE TAKE FURTHER NOTICE that a copy of the full and complete
3 Application, together with its supporting Memorandum of Points and Authorities,
4 declarations and exhibits may be obtained by written request directed to Karen Sue Naylor,
5 Esq., at the address indicated in the upper-left hand corner of the first page of this
6 document.

7 A. Relevant Background.

8 On October 18, 2024 (the “Petition Date”), the Debtor filed a voluntary petition under
9 Chapter 11 of Title 11 of the United States Code [Dkt. No. 1]. The Debtor provides vegetation
10 management services that include, without limitation, manual and mechanical clearing, integrated
11 vegetation management, storm and emergency, right-of-way maintenance, and high-hazard tree
12 removal and crane services. Historically, utility companies have been Debtor’s primary clients,
13 including California’s largest energy utility, PG&E, as well as Southern California Edison. The
14 Debtor also provides services to governmental agencies and cooperatives.

15 Prior to the Petition Date, the Debtor retained Brian Weiss of Force Ten Partners, LLC, as
16 its Chief Restructuring Officer (“CRO”) to lead the Debtor through its formal restructuring
17 process, including this case.

18 On February 7, 2025, judgment creditors Jaime Rodriguez and Ana Lidia Gomez (the
19 “Judgment Creditors”) filed a Motion to Appoint a Chapter 11 Trustee Pursuant to 11 U.S.C.
20 Section 1104(a); and a Motion to Substantively Consolidate Pino Tree Services, Inc., Mowbray
21 Waterman Property, LLC and Phoenix Traffic Management, Inc with the Debtor’s Bankruptcy
22 Case [Docket No. 286] (the “Motion”).

23 On March 5, 2025, at the hearing on the Motion, the Court denied the Motion and on
24 March 14, 2025 entered its *Order: (1) Denying Motion of Jaime Rodriguez and Ana Lidia Gomez*
25 *to Appoint a Chapter 11 Trustee Pursuant to 11 U.S.C. Section 1104(a); and Motion to*
26 *Substantively Consolidate Pino Tree Services, Inc., Mowbray Waterman Property, LLC, and*
27 *Phoenix Traffic Management, Inc. with the Debtor’s Bankruptcy Case; and (2) Directing the*
28 *United States Trustee to Appoint an Examiner Pursuant to 11 U.S.C. Section 1104(c)* [Docket No.
362]]. On March 18, 2025 the United States Trustee filed its *Notice of Appoint of Examiner*
[Docket No. 368] and it’s *Application for Order Approving Appointment of Examiner* [Docket
No. 369]. On March 18, 2025 the Court entered it’s *Order Approving the U.S. Trustee’s*
Application for Appointment of an Examiner [Docket No. 374], appointing Donald T Fife as
Examiner (the “Examiner”).

29 B. Scope of Proposed Employment.

30 The Examiner seeks to employ the Firm to act as his counsel in this case, for the purposes
31 of assisting the Examiner in fulfilling the Court’s mandate regarding the investigation and
32 preparation of a report regarding the following:

- 33 a. The allegations in the Motion, along with the Oppositions, the Replies, and Joinder to
34 the Motion concerning the transactions between the Debtor and the Affiliates,
35 including the veracity of such allegations, the existence of possible avoidance actions

- 1 held by the Debtor's estate related thereto, and the practical advisability of bringing
2 such avoidance actions;
- 3 b. The allegations concerning substantive consolidation in the Motion, along with the
4 Oppositions, the Replies, and Joinder to the Motion;
- 5 c. Whether, post-petition, the Debtor's current management structure is operating solely
6 in the interest of the Debtor's estate and not unduly benefiting the Affiliates; and
- 7 d. The use of the vehicles and equipment leased or financed by the Debtor, including the
8 vehicles subject to agreements with Pathward, N.A., as between the Debtor and the
9 Affiliates or any third parties.

10 Specifically, the Examiner anticipates the need for the Firm's services in undertaking the legal
11 analysis regarding the avoidability of potential transfers, whether substantive consolidation is
12 appropriate, the management structure of the Debtor and its operations along with the Affiliates,
13 and the review of the Chapter 11 plan in connection with the above issues. Thereafter, the Firm
14 will assist the Examiner with the subsequent preparation of a report as to same for the Court's
15 consideration. The Examiner conferred with the UST prior to the filing of this Application
16 regarding his desire and need to employ the Firm and was advised that they had no objection.

17 **C. The Firm.**

18 The Firm, located in Newport Beach, California, is composed of attorneys who specialize
19 in insolvency, bankruptcy, and reorganizations, and is well qualified to represent the Examiner.
20 The Firm has significant bankruptcy experience, has represented numerous unsecured creditors'
21 committees, individual creditors in the context of bankruptcy cases, bankruptcy estates (on behalf
22 of trustees and debtors-in-possession), has handled a multitude of adversary proceedings within
23 various bankruptcy proceedings, and has represented Court-appointed examiners in Chapter 11
24 cases. Karen Sue Naylor has also been appointed an Examiner in Chapter 11 cases. A copy of the
25 Firm's professional resume is attached as Exhibit "1" to the Declaration of Karen Sue Naylor (the
26 "Naylor Declaration") attached to the Application. All attorneys of the Firm who will appear in
27 this case are duly admitted to practice law in the Courts of the State of California and in the
28 United States District Court for the Central District of California.

Neither the Firm, nor any of the attorneys comprising or employed by it, has any
connection with the Debtor, its accountants, or other professionals. Nor does the Firm have any
connection with Debtor's outside creditors, or any other outside party in interest or its respective
attorneys or accountants, other than the Examiner, who is a CPA, has represented Karen Sue
Naylor in her capacity as a trustee, as the estate's accountant in multiple unrelated cases. The
Firm believes that it does not have or represent an interest adverse to the Examiner.

D. Compensation.

The Firm proposes to render services to the Examiner at the Firm's regular hourly rates,
which are subject to future adjustment following advance notice. The following is a list of the
Firm's professionals that may provide services on this engagement:

<u>Attorneys</u>	<u>2025 Rates</u>
Todd C. Ringstad	\$725.00
Nanette D. Sanders	\$725.00
Karen Sue Naylor	\$625.00

Paralegals

Becky Metzner

\$195.00

Arlene Martin

\$150.00

The Firm's regular practice of billing in increments of one-tenth of an hour will be followed in this case.

Compensation of the Firm is requested pursuant to 11 U.S.C. § 330 and the Firm will only be entitled to an award of reasonable compensation as set forth in Section 330(a).

The Firm has not agreed to share with any person or entity any compensation which it may be awarded, except among members of the Firm. The Firm understands that its compensation is subject to approval of this Court and intends to apply in conformity with 11 U.S.C. Section 331 for compensation and reimbursement of fees incurred and costs advanced.

At the conclusion of the Examiner's appointment, the Firm will file an appropriate application seeking allowance of all fees and costs pursuant to 11 U.S.C. Section 331.


With the Examiner's report due to the Court within ninety (90) days from the date of entry of the Examiner Appointment Order, and with the Examiner reviewing and analyzing all the financial data, it is imperative that the Examiner have the assistance of counsel if he is to undertake a thorough investigation and analysis of potential claims and issues raised by the Court, and timely submit his report.

In the present case, as set forth in the Naylor Declaration, neither the Firm nor any of its professionals holds or represents any interest that would lessen the value of the bankruptcy Estate. Moreover, the Firm's representation of the Examiner will not create a conflict. The Firm does not hold or represent any adverse interest in connection with this case.

As stated above, the Firm is well qualified to represent the Examiner in that the Firm has significant bankruptcy experience, has represented numerous examiners, unsecured creditors committees, individual creditors in the context of bankruptcy cases, bankruptcy estates (on behalf of trustees and debtors-in-possession), has handled a multitude of adversary proceedings within various bankruptcy cases, and represented examiners in Chapter 11 cases. In addition, Karen Sue Naylor has been appointed an Examiner in Chapter 11 cases. Therefore, the Firm satisfies the requirements for employment under the Bankruptcy Code, and the Court should authorize the Examiner to employ the Firm pursuant to 11 U.S.C. § 327.

DATED: April 8, 2025

RINGSTAD & SANDERS LLP

By: 
Karen Sue Naylor
Proposed Counsel for Donald T. Fife,
Examiner

Ringstad & Sanders

LLP
4910 Birch Street, Suite 120
Newport Beach, CA 92660
949.851.7450

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
4910 Birch Street, Suite 120, Newport Beach, CA 92660

A true and correct copy of the foregoing document entitled (*specify*): **NOTICE OF SUBMISSION OF APPLICATION TO EMPLOY RINGSTAD & SANDERS LLP AS COUNSEL FOR EXAMINER, DONALD T. FIFE** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On April 8, 2025, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- **Kenneth J Catanzarite** kcatanzarite@catanzarite.com
- **Jessica L Giannetta** jessica@giannettaenrico.com, melanie@giannettaenrico.com
- **Marshall F Goldberg** mgoldberg@glassgoldberg.com, jbailey@glassgoldberg.com
- **Alan Craig Hochheiser** ahochheiser@mauricewutscher.com, arodriguez@mauricewutscher.com
- **Raffi Khatchadourian** raffi@hemar-rousso.com
- **Valery Loumber** valloumlegal@gmail.com
- **Michael B Lubic** michael.lubic@klgates.com, jonathan.randolph@klgates.com, klgatesbankruptcy@klgates.com
- **James MacLeod** jmacleod@dunninglaw.com, nancy@dunninglaw.com
- **Robert S Marticello** rmarticello@raineslaw.com, bclark@raineslaw.com; jfisher@raineslaw.com
- **David W. Meadows** david@davidwmeadowslaw.com
- **Queenie K Ng** queenie.k.ng@usdoj.gov
- **Estela O Pino** epino@epinolaw.com, staff@epinolaw.com; clerk@epinolaw.com
- **Donald W Reid** don@donreidlaw.com, 5969661420@filings.docketbird.com
- **Todd C. Ringstad** becky@ringstadlaw.com, arlene@ringstadlaw.com
- **Amitkumar Sharma** amit.sharma@aisinfo.com
- **Jeffrey S Shinbrot** jeffrey@shinbrotfirm.com, sandra@shinbrotfirm.com; tanya@shinbrotfirm.com
- **Thomas E Shuck** tshuck@pmcos.com, efilings@pmcos.com
- **Michael Simon** msimon@raineslaw.com, bclark@raineslaw.com; jfisher@raineslaw.com
- **Ahren A Tiller** ahren.tiller@blc-sd.com, 4436097420@filings.docketbird.com; brett.bodie@blc-sd.com; anika@blc-sd.com; derek@blc-sd.com; kreyes@blc-sd.com; megan@blc-sd.com; nicole@blc-sd.com; danny@blc-sd.com; angie@blc-sd.com; kreyes@blc-sd.com
- **United States Trustee (SA)** ustpregion16.sa.ecf@usdoj.gov
- **Sharon Z. Weiss** sharon.weiss@bclplaw.com, raul.morales@bclplaw.com, REC_KM_ECF_SMO@bclplaw.com, sharon-weiss-7104@ecf.pacerpro.com
- **Mandy Youngblood** csbk@gmfinancial.com
- **Roye Zur** rzur@elkinskalt.com, lwageman@elkinskalt.com; 1648609420@filings.docketbird.com; rzur@ecf.courtdrive.com
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☐ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL:**

On April 8, 2025, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and

addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Donald T. Fife

Hahn Fife & Company LLP
1055 East Colorado Blvd., 5th Floor
Pasadena, CA 91106

Force Ten Partners LLC

5271 California Ste 270
Irvine, CA 92617

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

April 8, 2025

Date

Becky Metzner

Printed Name

/s/ Becky Metzner

Signature

20 Largest Unsecured Creditors

Amtrust Financial Services, Inc.
903 Nw 65Th St. Ste 300
Boca Raton, FL 33487

Marlin Lease Servicing/Peac
P.O. Box 13604
Philadelphia, PA 19101-3604

First Insurance Funding Corporation
450 Skokie Blvd Ste 1000
Northbrook, IL 60062-7917

Vestis
2680 Palumbo Dr
Lexington, KY 40509

Premium Assignment Corporation
dba IPFS
P.O. Box 412086
Kansas City, KA 64141-2086

Pape Machinery
P.O. Box 35144
Seattle, WA 98124-5144

Peerless Network
P.O. Box 76112
Cleveland, OH 44101-4755

The Toll Roads
Violations Department
Irvine, CA 92619

The Goodyear Tire And Rubber Co.
P.O. Box 277808
Atlanta, GA 30384-7808

Oklahoma Turnpike Authority
Plate-Pay
PO Box 11255
Oklahoma City, OK 73136

Burtronics Business Systems
P.O. Box 11529
San Bernardino, CA 92423

Fastrak Violation Processing Dept
PO Box 26925
San Francisco, CA 94126

Mobile Mini - William Scotsman
PO Box 91975
Chicago, IL 60693-1975

Velocity Truck Center
Los Angeles Truck Centers, LLC
Pasadena, CA 91189-1284

SECURED CREDITORS :

Grainger
Dept. 887538815
Palatine, IL 60038-0001

Albach Finanz AG
Schlierstr. 20
85088 Menning
GERMANY

Linebarger Goggan Blair & Sampson
4828 Loop Central Drive
Suite 600
Houston, TX 77081

Ally Bank
PO Box 78234
Phoenix, AZ 85062-8234

Kansas Turnpike Authority
PO Box 802746
Kansas City, MO 64180

Altec Capital Services LLC
33 Inverness Center Parkway
Suite 200
Birmingham, AL 35242

North Texas Tollway Authority
PO Box 660244
Dallas, TX 75266

Balboa Capital
2010 Main Street
11th Floor
Irvine, CA 92614

Florida Dept of Transportation
PO Box 31241
Tampa, FL 33631

Banc of America Leasing & Capital
3400 Pawtucket Avenue
Riverside, RI 02915

City of Los Angeles
Parking Violations Bureau
PO Box 30420
Los Angeles, CA 90030

Berkshire Hathaway Homestate Companies
PO Box 911617
Denver, CO 80291-1617

Enterprise Fleet Management Inc.
1600 S. Grove Avenue
Suite B
Ontario, CA 91761

Enterprise FM Trust
9315 Olive Blvd.
Saint Louis, MO 63132

PNC Bank, NA
901 Via Piemonte
Ontario, CA 91764

Ford Credit
PO Box 790072
Saint Louis, MO 63179

Samsara Capital Finance – AZ
16430 N. Scottsdale Road
Scottsdale, AZ 85254

GM Financial
4100 Embarcadero Dr.
Arlington, TX 76014

Samsara Capital Finance – WA
PO Box 24986
Seattle, WA 98124

Jacobus Pino
PO Box 985
Idyllwild, CA 92549

Starr Indemnity Liability Co.
399 Park Ave., 3rd Floor
New York, NY 10022

John Deere Construction & Forestry
6400 NW 86th Street
PO Box 6600
Johnston, IA 50131

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Hahn Fife & Company LLP
1055 East Colorado Blvd., 5th Floor
Pasadena, CA 91106

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Irvine, CA 92617

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Commercial Lending Operations
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Pittsburgh, PA 15274-7046